

**EMERGENCY DECLARATION**  
**04-01**

WHEREAS, the recent advance of Hurricane Ivan across the Gulf of Mexico, its landfall near Gulf Shores, Alabama, and its continuing movement across the southern United States have caused numerous tornadoes, high winds, extreme tidal surges, extremely heavy thunderstorms, torrential rains, and flooding across many areas within the States of Florida, Alabama, Mississippi, and Louisiana;

AND WHEREAS, this severe natural disaster has already resulted in extensive economic and human damage across the American states which surround the Gulf of Mexico, including the pervasive destruction of private and public property in excess of millions of dollars, the loss of at least two human lives, widespread interruption of electrical power to more than 716,000 public utility customers across the affected states, and the evacuation and temporary relocation of more than 1.8 million persons from the coastal regions to inland destinations, which will eventually require the return of these displaced persons to their places of origin;

AND WHEREAS, the extreme weather conditions caused by Hurricane Ivan threaten to continue and to extend these destructive impacts across increasing areas of the southeastern United States, as the hurricane moves inland;

AND WHEREAS, the State of Florida and adjacent areas have already experienced severe human and economic damage caused by Hurricane Charley during August, 2004, and by Hurricane Frances earlier in September, 2004;

AND WHEREAS, these extreme weather conditions, and the resulting destruction of property, interruption of essential human services, and potential dangers to and loss of human life, now require and will continue to require a massive public and private response to provide immediate, emergency assistance and continuing emergency relief to individual persons, businesses, and federal, state and local governmental units in need of transportation for food, supplies, tools, equipment, medicine, public and private health care, law enforcement, security services, public utility services, sanitation and waste disposal, cleanup of debris, property restoration and reconstruction, and other necessities, which threatens to overload the available transportation systems to, from, and within these affected states;

AND WHEREAS, Section 390.23 of Title 49, Code of Federal Regulations, provides that a Governor of a State may declare an emergency thereby exempting motor carriers or drivers operating a commercial vehicle from the Federal Motor Carrier Safety Regulations, Parts 390 through 399 of Title 49, Code of Federal Regulations, both while providing assistance to the emergency relief efforts during the emergency, and while returning empty to the motor carrier's terminal or driver's normal work reporting location;

AND WHEREAS, the Governor of each of these affected states has recognized the existence of a regional emergency, within the meaning of Section 390.23 of Title 49, Code of Federal Regulations, as a result of these severe weather conditions, which poses a threat to the public safety and health within those jurisdictions, in that:

The Governor of the State of Alabama has requested the President of the United States to declare 44 counties within the State of Alabama as a federal disaster area;

The Governor of the State of Florida has issued multiple, successive Executive Orders declaring the existence of a state of emergency in the State of Florida;

The Governor of the State of Louisiana has issued a Proclamation declaring the existence of a state of emergency in the State of Louisiana;

The Governor of the State of Mississippi has issued a Proclamation declaring the existence of a state of emergency in the State of Mississippi;

AND WHEREAS, the safety and welfare of the inhabitants of the affected states of Alabama, Florida, Louisiana and Mississippi require that operators of commercial motor carriers upon the public highways within Missouri, who are rendering assistance to the emergency efforts within the affected states, should be allowed more rapid and efficient travel to meet this emergency need for transportation of passengers and property;

AND WHEREAS, this requirement for more rapid and efficient transportation would be facilitated by the temporary suspension of certain usual and necessary regulatory requirements for the drivers of commercial motor vehicles, while they are transporting property and passengers to assist in the relief efforts; and

AND WHEREAS, authorized personnel of the Missouri Department of Transportation, and Missouri State Highway Patrol officers and employees within the Missouri Department of Public Safety, who generally are authorized to enforce the provisions of Parts 390 through 399 of Title 49, Code of Federal Regulations, as provided by the Revised Statutes of Missouri, should recognize this temporary suspension of the usual requirements of these safety regulations during the duration of these emergency conditions, with reference to motor carriers and operators of commercial motor vehicles both while providing assistance to the emergency relief efforts during the emergency, and while returning empty to the motor carrier's terminal or driver's normal work reporting location;

NOW THEREFORE, we, the undersigned Directors of the Missouri Department of Transportation and the Missouri Department of Public Safety, respectively, by virtue of the authority vested in us by the Constitution and laws of the State of Missouri, hereby declare that we acknowledge the existence of a regional state of emergency, within the meaning of 49 CFR section 390.23(a)(1), within the States of Alabama, Florida, Louisiana, and Mississippi, as a result of the severe weather conditions described above;

AND FURTHER, we hereby direct that all personnel of our respective Departments shall recognize this temporary suspension of the usual requirements of Parts 390 through 399 of Title 49, Code of Federal Regulations, with reference to motor carriers and operators of commercial motor vehicles, both while providing assistance to the

emergency relief efforts during the emergency, and while returning empty to the motor carrier's terminal or driver's normal work reporting location, until the expiration of this Emergency Declaration, or until otherwise ordered by the undersigned Director with reference to the Department of which he is the Director;

AND FURTHER, we direct that the purchase of trip permits for registration and fuel for motor carriers engaged in interstate disaster relief efforts in Alabama, Florida, Louisiana or Mississippi, shall be waived;

AND FURTHER, we direct that the issuance of overdimension and overweight permits for motor carriers engaged in interstate disaster relief efforts in Alabama, Florida, Louisiana or Mississippi, shall be subject to the following interim application requirements in obtaining a permit:

The permittee will be required to supply:

Year, Make and License plate number of the power unit;  
Size, Make and Serial Number (last 4 digits) of the mobile home;  
Origin, Destination and Consecutive Routing;  
Overall Height and Overall Length (home plus the power unit);  
Date of Movement.

The permit process can be expedited by calling:

573-522-2435;  
573-526-5314; or  
573-526-5312.

This shall not suspend the applicability of the usual permit fee requirements.

EFFECTIVE DATE: September 16, 2004, immediately upon execution.

EXPIRATION DATE: October 16, 2004, at 12:01 A.M.

Executed this \_\_\_\_\_ day of September, 2004,  
at \_\_\_\_\_ o'clock \_\_\_\_M.

Executed this \_\_\_\_\_ day of September, 2004,  
at \_\_\_\_\_ o'clock \_\_\_\_M..

---

Pete Rahn  
Director  
Missouri Department of Transportation  
Jefferson City, Missouri

---

Charles Jackson  
Director  
Missouri Department of Public Safety  
Jefferson City, Missouri